



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
March 9, 2015
Common Council Chambers – 6:00 PM**

NOTES: (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings are conducted after open public speaking and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary abstention, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on March 9, 2015 in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:00 PM by Chairman Wayne Platte.

BOARD/ALTERNATE MEMBERS PRESENT: Wayne D. Platte, Jr., Chairman; John Dwyer Jr, Vice-Chairman, MaryJo Wiltshire, Charles Polacco, Robert Jacobsen, Jonathan Korn, and William Tubby.

BOARD/ALTERNATE MEMBERS ABSENT: Jamie Mills

STAFF PRESENT: Suzanne Cahill, Planning Director; Kyla Haber, Assistant Planner

GENERAL NOTES: Chairman Platte reviewed the following:

1. Pledge of Allegiance was recited
2. Introduction of all Board Members and Staff Present
3. Identify exits, bathrooms, no elevator in case of emergency
4. Asked audience to silence cell phones, conversations should be taken out of room
5. Asked audience to respect speakers

REGULAR BUSINESS:

Item #1: Open Public Speaking (6:00P.M. – 6:15 P.M.)

No one spoke during open public speaking. Chairman Platte closed the public speaking portion of the meeting.

Item #2: Adoption of the February 12, 2015 Planning Board minutes.

Discussion: Chairman Platte asked the Board if they had time to review the minutes and if they had any comments or corrections. The Board agreed that they had reviewed them in advance of the meeting and had no issues.

Decision: The Board voted unanimously to adopt the February 12, 2015 minutes as submitted by staff. (WP, CP, JD, MW, RJ – yes)

PUBLIC HEARINGS:

Item #3: **#57-73 Summer Street** SPECIAL PERMIT renewal for a Community Residence. SBL 56.33-3-1. SEQR Determination. Zone R-1. Ward 5. United Cerebral Palsy of Ulster County, Inc.; applicant/owner.

Discussion: No one spoke at the public hearing. Gerard Dornwin, Director of United Cerebral Palsy of Ulster County, was present at the meeting.

W. Platte stated that the application is for a renewal of the current special permit to operate a Community Residence, housing 14 handicapped individuals and operated by United Cerebral Palsy of Ulster County. G. Dornwin confirmed that there have been no changes to the operations of the site. The original permit was issued in June 1989. The most recent Planning Board review was February 2013 with a renewal granted for the maximum period of two years.

G. Dornwin confirmed that the home continues to be licensed by the NYS Office of Mental Retardation and Development Disabilities (OMRDD) and that the number of resident's remains at 14 with a staff of 15 FTE's, operating 24 hours a day, 7 days a week.

There have been no issues with the Building Safety Division or the Planning Office. The police report returned only two incidents in the past year; one for domestic complaint and the other for warrant arrest.

Under the City Zoning Ordinance, Community Residences are subject to the requirements outlined in Section 405-9 B (7). One requirement is that the home be registered with the City Clerk. The following information is required to be filed with the City Clerk and kept up to date; 1- The name of the operating agency; 2- The name(s) of the resident supervisor; 3- The maximum number of persons that will live in the facility; 4- The appropriate licenses and certifications.

A term for the special permit was discussed. The Zoning Ordinance limits the maximum term for agency group homes/community residences to a period of two (2) years. The Board agreed to issue the permit for 2 years stating that they would issue it longer if it wasn't specified in the zoning as 2 years.

A determination of environmental significance was discussed. Because the project involves no change and is purely an act of renewal, it was categorized as a Type II action under SEQR, and therefore is predetermined to have no environmental impact and no SEQR review of the Board is required.

Decision: The Board voted unanimously to render the application a Type II under SEQR and to approve the special permit for a period of 2 years expiring on March 9, 2017 with all original conditions carried forward and compliance with section 405-9(B) of the zoning code. (WP, MW, JD, CP, RJ – yes)

Item #4: **#261 Fair Street** SPECIAL PERMIT renewal to maintain 3 residential apartments in the Mixed Use Overlay District. SBL 48.331-6-5. SEQR Determination. Zone C-2, Heritage Area, Stockade Historic District. Ward 2. Duane Postupack; applicant/owner.

Discussion: No one spoke at the public hearing. Duane Postupack was present at the meeting. The application is to renew the special permit for 3 residential apartments in the Mixed Use Overlay District. The Board confirmed that the owner purchased this building in February 2014 and relocated his appraisal business to the ground level office space. D. Postupack stated that he is very happy with his new business location.

S. Cahill stated that the permits for the 3 residential apartments were combined into 1 permit in March 2014 and that the owner only needs to file 1 application. R. Jacobsen asked if all 3 apartments were rented. D. Postupack stated that one of the apartments recently became vacant but that the other 2 are occupied.

The property is listed as being Landlord Registered with the Building Safety Division. Landlord registration requires periodic inspections.

A term for the permit was discussed. Staff explained that section 405-32 of the Zoning Code was amended in August 2012 to allow the Board the ability to renew special permits in the MUOD for such a period as it determines after an initial 1 year term. This application has passed the first year of the permit and therefore the Board can extend the term. R. Jacobsen stated that he passes this building while in the uptown area and that the building is very well maintained. The Board agreed and acknowledged that the property owner has a business on site and that he and his wife are very active members of the community. The Board agreed to extend the permit with no limit but with the stipulation that if the building were sold in the future, the new owner would have to renew.

A determination of environmental significance was discussed. Because the project involves no change and is purely an act of renewal, it was categorized as a Type II action under SEQR, and therefore is predetermined to have no environmental impact and no SEQR review of the Board was required.

Decision: The Board voted unanimously to render a Type II action under SEQR and to renew the special permit with no term limit but with the stipulation that if the ownership changes, the new owner would need to come back to the Board to renew. (WP, JD, RJ, MW, CP – yes)

Item #5: **#324 Wall Street (#313 Fair Street)** SPECIAL PERMIT for renewal to operate a drinking establishment. SBL 48.331-2-6. SEQR Determination. Zone C-2/Stockade Historic District, Heritage Area. Ward 2. Don Johnson/applicant; 324 Wall Street Kingston, Inc./owner.

Discussion: No one spoke at the public hearing. Paul Maloney was present at the meeting. The application is for renewal of the special permit for a drinking establishment “Stockade Tavern” in the Stockade Historic District. The original approval was received in March 2009 for a period of 1 year. The most recent renewal was in 2013 for 2 years.

The project narrative previously stated that the hours of operation are Wed. 4pm-12am; Thursday 4pm – 12pm; Fridays and Saturdays 4pm – 2am. P. Maloney stated that they are now open on Sundays from 2pm – 10pm. There are 2 full time employees and 5 part time employees.

During the original approval, the applicant had stated that the “tavern is designed in the federal period with some modern touches. The establishment specializes in pre-prohibition cocktails and crafted beer and wine. Food is prepared behind the bar offering small plates such as cheese platters, pretzels, etc.”

The Board waived the parking during the original approval because of the proximity to municipal lots and no possibility of on-site parking.

A police incident report was received. There were 11 calls associated with the location within the last year. 8 of the calls were for the alarm; 1 was for a dispute, 1 for a vehicle break in and 1 that was listed as information only.

J. Korn told the Board that the Stockade Tavern was highlighted in Esquire Magazine as one of the Best Bars in America in 2014.

A term for the special permit was discussed. There is no limit on the term of the permit. The most recent permit was issued for 2 years with no issues raised by any departments or residents. This business has established itself as a positive addition to the uptown commercial district. Staff recommends increasing the term of the permit to 3 years.

A determination of environmental significance will need to be rendered. Because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, and was predetermined to have no environmental impact and no SEQR review of the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and approve the special permit renewal for a period of 3 years to expire on March 9, 2018 with all original conditions carried forward. If the establishment changes ownership, the new business owner will need to renew the permit. (WP, MW, JD, CP, RJ – yes)

Item #6: **#1 Boulevard** SPECIAL PERMIT to install a cellular antenna on the rooftop of an existing Stewarts Shop. SBL 56.124-5-23. SEQR Determination. Zone C-2. Ward 5. Celco Partnership d/b/a Verizon Wireless/applicant; Stewart’s Shops Corp./owner.

Discussion: No one spoke at the public hearing. Laura Bomyea, attorney with Young Sommer, was present at the meeting to represent the applicant. The proposal is to install a public utility/personal wireless service facility on an existing Stewart’s convenience store. The applicant submitted a full application including a lease agreement that gives Celco Partnership

d/b/a Verizon Wireless the ability to apply for all necessary permits and approvals to move this request forward. The applicants also submitted a full set of plans and details for the installation of the antenna.

L. Bomyea explained that the proposal for this particular site had been changed after conversations with the Planning Department. The original proposal was an exposed antenna and mounting system in the middle of the building. The revised plans include moving the antenna toward the rear of the building and to one side and installing a faux shield to make it look more like a chimney on the roof of the building than an antenna.

She explained that the antenna itself is a small device that looks like a can but that the proposals for the Boulevard and the Albany Avenue Stewart's are different because of the mounting system for the different roof types. The Boulevard roof is flat while the Albany Avenue Stewarts is a newer design with a peaked roof.

L. Bomyea explained that the antennas being proposed are called micro antennas and are designed and used to take some of the pressure off of the macro antenna located at 449 Broadway. The 449 Broadway cell location has been identified as overloaded. The antenna reached its maximum capacity in 2014 and is currently overloaded providing reduced performance to customers. The area surrounding this site has been identified as a "traffic hotspot". This new antenna will provide localized coverage to the surrounding area and relieve some of the pressure off of the macro antenna on Broadway. The overall affect will be improved performance to all customers in the area.

The proposal also includes the construction of a 4'x8' concrete pad in the rear of the building to contain the electric and telecommunications equipment. Equipment includes a Telco cabinet and a power panel.

The Board expressed the following concerns with the antenna and requested that additional information be provided on each.

- Should the Board expect to see small antennas like this on more buildings throughout the City?
 - o L. Bomyea stated that she did ask that question and that at this time, there are no plans for any additional antennas in Kingston.
- What is the range of the actual antenna?
 - o The Board wanted clarification on the map that was submitted. L. Bomyea explained that the map that was provided showed a circled area where the antenna could be located to address the identified need. The service area is larger. Additional information will be provided on the actual range of the antenna.
- If Verizon were to upgrade the existing macro antenna at 449 Broadway or install a second macro antenna, would that negate the need for numerous small antennas?
- Is there enough room for maintenance of the equipment in the rear of the building?
 - o L. Bomyea stated that the installers and maintenance personnel visited the site to confirm that there was enough space for the equipment and maintenance.
- Is a generator to be installed with the equipment?

- L. Bomyea explained that it is a generator plug that is shown on the plans to allow for a generator to be plugged in if necessary. She is going to confirm that there is no actual generator being installed.
- Does the equipment make any noise?
- Can the applicant provide actual photographs of these antennas in other areas on other Stewart's Shops?
- Have these antennas been used on Stewart's buildings in other historic cities?

L. Bomyea said that she will look into getting answers to these questions. She also stated that she will try to bring one of the engineers to the next meeting to help answer the technical question regarding the usage and reason for this technology.

Decision: The Board voted unanimously to table the application, requesting that additional information be provided. The item will automatically be placed on the April 9, 2015 Planning Board agenda. (WP, RJ, JD, MW, CP – yes)

Item #7: **#420 Albany Avenue** SPECIAL PERMIT to install a cellular antenna on the rooftop of an existing Stewart's Shop. SBL 48.302-3-8.100. SEQR Determination. Zone C-3. Ward 6. Cellco Partnership d/b/a Verizon Wireless/applicant; Stewart's Shop Corp/owner.

Discussion: No one spoke at the public hearing. Laura Bomyea, attorney with Young Sommer, was present at the meeting to represent the applicant. The Board explained that they have the same concerns with this application that they have with the previous application for the 1 Boulevard Stewart's location.

L. Bomyea explained that the antenna mounting system at this location is different from the Boulevard location because of the pitched roof. The antenna would be lower in height and placed to the far side of the roof. The antenna itself is the same size and technology as the Boulevard antenna. The antenna, known as "cantenna" is approximately 24" by 15" which will be mounted onto the roof of the building. The antenna will be attached to a non-penetrating mounting system with conduit running across the roof to the rear of the building where the equipment cabinets will be located on a 4'6"x8' concrete pad. Elevations show that the overall height of the building is 18ft. with the top of the antenna reaching an elevation of 22ft. The antenna will be 4ft above the roof.

The project narrative explained the needs and reasoning for the request. The purpose of the antenna is to provide additional wireless network bandwidth and improve performance to the area in the immediate area of the intersection. Due to heavy usage on the Verizon Wireless 4th Generation LTE network generated from this area future usage demand will not be adequately met by the nearby macro sites (449 Broadway). The proposed micro cell is a paired down version of the typical 3-sectored array typically used throughout the County.

The narrative also explained the reasoning for this location. The 449 Broadway cell location reached its maximum capacity in 2014 and is currently overloaded providing reduced performance to customers. The area surrounding this site has been identified as a "traffic hotspot" with fast food restaurants, multiple gas stations, vehicle repair, and residential homes. This new antenna will provide localized coverage to the surrounding area and relieve some of

the pressure off of the macro antenna on Broadway. The overall affect will be improved performance to all customers in the area.

The Board expressed the following concerns with the antenna for both this application and the Boulevard application. They requested that additional information be provided on each.

- Should the Board expect to see small antennas like this on more buildings throughout the City?
 - o L. Bomyea stated that she did ask that question and that at this time, there are no plans for any additional antennas in Kingston.
- What is the range of the actual antenna?
 - o The Board wanted clarification on the map that was submitted. L. Bomyea explained that the map that was provided showed a circled area where the antenna could be located to address the identified need. The service area is larger. Additional information will be provided on the actual range of the antenna.
- If Verizon were to upgrade the existing macro antenna at 449 Broadway or install a second macro antenna, would that negate the need for numerous small antennas?
- Is there enough room for maintenance of the equipment in the rear of the building?
 - o L. Bomyea stated that the installers and maintenance personnel visited the site to confirm that there was enough space for the equipment and maintenance.
- Is a generator to be installed with the equipment?
 - o L. Bomyea explained that it is a generator plug that is shown on the plans to allow for a generator to be plugged in if necessary. She is going to confirm that there is no actual generator being installed.
- Does the equipment make any noise?
- Can the applicant provide actual photographs of these antennas in other areas on other Stewart's Shops?
- Have these antennas been used on Stewart's buildings in other historic cities?

L. Bomyea said that she will look into getting answers to these questions. She also stated that she will try to bring one of the engineers to the next meeting to help answer the technical question regarding the usage and reason for this technology.

The Board had additional concerns regarding the placement of the concrete pad and equipment at this site. Due to comments made by the neighbor during the Stewart's Shop site renovation, the Board wanted to ensure that there is enough room for the equipment and that it would not negatively impact the neighbor. L. Bomyea said that she would bring additional information on the placement of the equipment.

Decision: The Board voted unanimously to table the application, requesting that additional information be provided. The item will automatically be placed on the April 9, 2015 Planning Board agenda. (WP, RJ, JD, MW, CP – yes)

Item #8: **#394-400 Foxhall Avenue** SPECIAL PERMIT renewal to construct a 2400sf commercial building for auto repair. SBL 48.302-4-22. SEQOR Determination. Zone NB. Ward 6. Michael Piazza; applicant/owner.

Discussion: No one spoke at the public hearing. Paul Jankovitz, project architect, was present at the meeting.

P. Jankovitz explained that the owner has a lot of projects planned at this time but that he wishes to renew the special permit for this proposal so that it can be pursued in the future. M. Piazza is planning to begin the 50 Abeel Street project this spring.

The application is to renew the special permit for a 2,400sf, one-story building with 8 parking spaces. The original application indicated that the building would be used for auto repair/stereo installation. Since that time, the owner has stated that he does not have any planned uses until he finds a prospective tenant.

Prior to approval, the zoning district was amended (LL 12 -2011) from an R-2 zone to an NB Neighborhood Business. The lot was previously used as part of the Roberti Saab Dealership for a period of time but has been vacant for a few years since.

The original approval was issued in December 2012 with no progress to date. Staff advised the applicant that there are outstanding conditions that were never completed.

- drywell details submitted and approved by the City Engineer; a cost estimate for site work submitted for determination of a performance bond;
- erosion and sediment control measures included for site work; lighting fixtures approved by staff;
- signage details submitted for approval by the Planning Board.
- As well as the following Board Policies which includes a requirement to submit the conditions: #4, 4a, 6, 7, 11, 12, 14, 15, and 19. Board Policy #7 provides the applicant with 1 year to address the conditions of approval.

The Board agreed to approve the renewal of the special permit for a shorter term. This will give the applicant an opportunity to submit a timeline for development and to complete the conditions of the original approval.

Decision: The Board voted unanimously to approve the special permit for a period of 6 months to expire on September 9, 2015 with all original conditions carried forward and the submission of a written timeline for construction. The following conditions were issued during the original approval:

- drywell details submitted and approved by the City Engineer; a cost estimate for site work submitted for determination of a performance bond;
- erosion and sediment control measures included for site work; lighting fixtures approved by staff;
- signage details submitted for approval by the Planning Board.
- As well as the following Board Policies which includes a requirement to submit the conditions: #4, 4a, 6, 7, 11, 12, 14, 15, and 19. Board Policy #7 provides the applicant with 1 year to address the conditions of approval.

These conditions need be completed with information submitted to the Planning Office for review. (WP, MW, CP, JD, RJ – yes)

OLD BUSINESS:

Item #9: #474 Broadway SITE PLAN for renovations to a 2nd floor apartment and ground floor commercial space in existing building. SBL 56.26-9-29.100. SEQR Determination. Zone C-2, BODD. Ward 5. LA Kingston, Lillian & Arthur Nazginov; applicant/owner.

Note: Jonathan Korn abstained from the vote due to his relationship as the realtor for the owners.

Discussion: The applicant was not present at the meeting. The Board had tabled the site plan at the November 2014, December 2014, and February 2015 meetings. The site plan and elevation drawing were submitted, drawn by Scott Dutton Associates, with a date of 12/9/14.

Over the past few months, the Board reviewed the plans and elevations. The renovations proposed are positive changes for the building that will have a positive effect on the streetscape. The Board agreed that they felt the application could be voted on without the owner or a representative present.

The Board reviewed the parking for the site. There are 9 marked spaces that exist on the site. The rear yard is currently lawn but may be developed into additional parking in the future. The current parking is adequate for the use of the building.

Chairman Platte requested that a Knox Box be added to building for emergency access by the Fire Department. This will be a condition of approval.

The Planning Board approved the lot line deletion between 474 Broadway and 145-147 Jansen Avenue at the November 2014 Planning Board meeting.

The following Board Policies were considered: #4 & 4a – Lighting Levels and correcting issues; #6 – signature on final plans; #7 & 7a – approved plans and applied conditions valid for 1 year; #10 – banners, flags and string devices are prohibited; #11 – signage in windows limited to 20%; #12 – dumpsters emptied/deliveries and pickups take place during regular business hours; #13 – Change of Contact Information must be submitted to Planning; # 15 – Zoning Data; #17a – Landlord Registration; #19 – Compliance with Noise Ordinance; #22 – Carbon Monoxide Detectors; #23 – bluestone sidewalk protected during construction.

The applicants are aware that all exterior changes will need to be reviewed by the Heritage Area Commission for compliance with the Broadway Overlay Design Standards.

The application was treated as an Unlisted Action under SEQR. A determination of environmental significance was discussed.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the site plan for ground floor commercial with one residential unit above with the following conditions: a Knox Box be installed on the building for emergency access by the Fire Department, approval by the Heritage Area Commission for exterior changes, as well as, Planning Board Policies #4, 4a, 6, 7, 7a, 10, 11, 12, 13, 15, 17a, 19, 22. If a rear parking lot

is pursued in the future, the applicant will need to apply for an amendment to the approved site plan. (WP, RJ, JD, MW, CP – yes; JK – abstained)

Item #10: #20 North Street SPECIAL PERMIT to rent 2 rooms in an owner occupied home. SBL 56.36-1-25. SEQR Determination. Zone RF-R. Ward 8. Aldo & Elenice Sensini; applicant/owner.

Discussion: Staff explained that the owner called prior to the meeting to request that the application be taken off the agenda. He stated that he no longer wished to pursue the room rentals at this time. Staff made the Building Safety Division aware that the application was withdrawn.

Decision: The Board formally acknowledged that the application was withdrawn by the applicant. No further review will take place at this time. (WP, JD, MW, CP, RJ – yes)

Item #11: #9-11 Downs Street SITE PLAN for operation of an auto sales facility. SBL 56.25-1-22. SEQR Determination. Zone C-3. Ward 4. Serafim Tsiamis/owner.

Note: John Dwyer abstained from the discussion due to his relationship as applicant's insurance company.

Discussion: Serafim Tsiamis and Jeanne Edwards were present at the meeting. S. Tsiamis submitted a plan drawn out to show the lot, parking areas, and the building.

Staff explained to the Board that the applicant's sister visited the Planning Office on March 5, 2015 to look at sample plans. Staff showed her the proposed Mo's Auto Sales at Hasbrouck Avenue and Foxhall and Tim's Automotive on Foxhall Avenue.

S. Cahill suggested that the owner contact the Planning Office to set up an appointment to meet on the site and look at it in greater detail. She stated that she would like to bring the City Engineer to the site as well.

Decision: The Board voted to table the application requesting that the owner call the Planning Office to schedule a time to meet at the site and review the plans in person. (WP, MW, CP, RJ, JK – yes; JD – abstained)

NEW BUSINESS:

Item #12: #8-14 North Front Street SITE PLAN amendment to construct a second retail space within an existing commercial building. SBL 48.331-3-2. SEQR Determination. Zone C-2, Stockade Historic District, HAC. Ward 2. Front & Fair, LLC; applicant/owner.

Discussion: Paul Jankovitz, architect, was present at the meeting to represent the applicant. He explained that the application is to establish a second retail space on the ground floor within an existing commercial building. The new business will occupy 312sf. He stated that the owners do not have a tenant at this time.

P. Jankovitz presented plans showing the floor plan for the new space and the elevations for the building.

The previous site plan was approved in July 2014 for renovations to the entire building including the creation of ground floor assembly space and retail space with 2nd floor office space. In September 2014, an application was approved for the installation of lighting and signage for Rhino Records, the record store that occupies the existing retail space.

P. Jankovitz explained that one of the windows on the ground floor will be removed and replaced with a door to access the new commercial space. A small bathroom will be added in the space as well.

Any signage and the exterior window removal for door will need to be approved by both the Historic Landmarks Preservation Commission and the Heritage Area Commission.

W. Platte requested that a Knox Box be added to the building for emergency access by the Fire Department. This was a condition of the previous approval as well.

The following Planning Board Policies were considered: #4 & 4a – lighting levels and corrections if needed; #6 – signature on plans; #10 – banners and flags are prohibited; and #11 – window signage limited to 20%.

During the previous application, the project was considered a Type I Action due to the location in the Stockade Historic District. The Board issued a negative declaration of environmental significance in July 2014. This application can be considered a Type II action under 6NYCRR Part 617 of the SEQRLaw 617.5 (c) (7) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4000 square feet of gross floor area and not involving a change in zoning or a use variance...”

Decision: The Board voted unanimously to render the action a Type II under SEQRL and to approve the site plan for a second, ground floor, retail space totaling 312sf with the condition that a Knox Box be added to the building for emergency access by the Fire Department, necessary approvals from the HLPC and the HAC are granted, as well as, Planning Board Policies #4, 4a, 10 and 11. (WP, CP, JD, MW, RJ – yes)

The meeting was adjourned at 7:30pm.

Respectfully submitted,

Suzanne Cahill
Planning Director

Mar9.15/MINUTES